

Notice of Allowability	Application No.	Applicant(s)	
	10/678,297	BAYNE, JAY S.	
	Examiner	Art Unit	
	Chad Rapp	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on 10/03/03.
2. ☒ The allowed claim(s) is/are 1-20 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 06/21/04; 08/05/05 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Derek C. Stettner on 9/27/06.
3. The application has been amended as follows:
Cancel claims 21, 23 and 24.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

In independent claims 1 and 6, "the third echelon having an object that coordinates processes executed at the first echelon in light of enterprise objectives", in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

In independent claim 6, "the third echelon having an object that coordinates processes executed at the first echelon in light of enterprise objectives", in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

In independent claim 12, "the third echelon having an object that coordinates processes executed at the first echelon in light of enterprise objectives and an object that audits

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performance of processes at the first echelon”, in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

In independent claim 19, “providing one or more value production units, each value production unit having four full-duplex ports, providing a router to dynamically crate connections between the one or more value production units”, in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

In independent claim 20, “one or more value production units, each value production unit having four full-duplex ports and interfaced with the performance measurement layer of the enterprise operating system and a router to dynamically crate connections between the one or more value production units”, in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

In independent claim 22, ‘a network interface layer configured to support one or more virtual machine services and one or more application interfaces and a performance measurement layer configured to support one or more value production processes”, providing one or more value production units, each value production unit having four full-duplex ports, providing a router to dynamically crate connections between the one or more value production units”, in combination with the other claimed elements and features is not taught nor fairly suggested by the prior art of record.

7. Prior art

Flores discloses an enterprise strategy management system with three controlling modules which formulate a strategy based on environmental data, alignment with resources and measures execution. Flores has only three modules, echelons, levels which are strategy

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formations, alignment and implementation; but Flores does not disclose five levels of control with specific types of control at each level.

Mikurak(us2006/0178918) discloses technology sharing of demand and supply planning in a network based supply chain.

Gil et al. discloses supply chain management.

Mikurak(us2006/0178918), Gil et al. and other prior cited art of record do not disclose what Flores lacks.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (571)272-3752. The examiner can normally be reached on Mon-Fri 11:00-7:00.

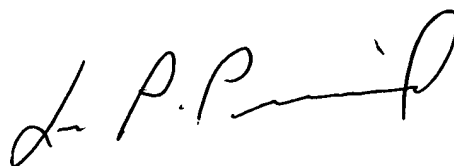
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571)272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chad Rapp
Examiner
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cjr

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100